

TOWN OF FOXBOROUGH

ADVISORY COMMITTEE

MINUTES

April 8th, 2015

Committee Members Present: Tracey Vasile, Cal Calnan, Patrick Mosesso, Larry Stern, Kristin Papianou, Monica Fisler, Sue Dring, Heidi Krockta, John Chlebek, Thom Freeman

Others Present: Randy Scollins, Bill Keegan, Mary Beth Bernard, Roger Hill, Mike Stanton, Larry Thomas, Lorraine Brue, Ginny Coppola, Bob Cutler, Dorothy Powers

Notes taken by: Maham Zia

The meeting was brought to order at 7:00PM by Tracey.

7:00 PM Adcom Discussion & Vote on Articles—

Article 24 Executive Power of Town Water and Sewer Commission

Bill K said that there is approval by Water and Selectmen boards to sell flow jointly. Lorraine agreed that there was a good discussion and outcome. Tracey briefly went over the history of how the Water Board's powers got transferred unintentionally in 2013. She also added that there is a concern about checks and balances and details like who can sell what type of flow need to be made explicit. John asked if the decision making process can be frozen by one member on each of the committees or by how the voting is timed. Tracey said that that should not pose any big issues. Conclusively, Tracey summarized that sale of flow within town goes in front of town and sale of flow out of town goes in front of the boards. She added that the specifics still need to be cleaned up.

Tracey double checked if there are any questions regarding Article 24, which is concerned with the sale of flow out of town. There were none.

Kristin motioned to accept Article 24 as amended and Cal seconded.

Vote: 10/0/0

Article 6 Personnel By-Law

Mary Beth summarized that the bylaw was adjusted to only include seasonal and non-union managerial employees. The reason for the adjustment is because Steelworkers didn't come to a conclusion. She listed the employees covered by the bylaw. She said that this bylaw is consistent with collective bargaining that is voted in by Article 4.

Heidi asked where the seniors who work in these positions fall. Randy responded that they fall into the reserve. Heidi also asked if these employees get merit based raises. Mary Beth said that they receive the raises based on the Town manager's discretion and evaluations will be implemented later on.

Kristin asked who the rec seasonal employees are and if they are hired by town. Mary Beth provided examples of seasonal rec employees like life guards etc. Randy explained that the rec seasonal employees are paid from the receipts, not taxation. Kristin further asked if the money comes from the rec revolving account to which Randy said yes.

Thom motioned to accept Article 6 as written and Monica seconded.

Vote: 9/0/1 Larry S abstained.

7:20PM Town Clerk Tenure Discussion Bob Cutler and Dorothy Powers—

Bob said that the tenure is under Mass Law if you have been working 5 years. It is a ballot question and Bob has obtained the signatures needed that have been certified. There is specific wording that needs to go on the ballot. It's a yes or no question. Yes means yes to tenure. Tenure for life means that the BOS can still have person removed if the person is not doing a proper job.

Bob continued that the main advantage of tenure is to have stability. It's better not to have turnover in this position and that is why the statute allows it. There needs to be knowledge of all the laws and processes while avoiding conflicts when running elections and being involved with them as well. He also added that from his own perspective, it is better to be appointed due to benefits. He said that he is advocating for tenure due to statute.

Heidi asked why the town would relinquish the power to decide each year. Bob and Dorothy both responded that the election could easily become a popularity contest regardless of the candidate's experience. Heidi further asked who does the performance reviews for this position according to the law. Bob said that there are certification schools and conferences that he keeps up with, including the Mass Town Clerk Association. In short, town clerks look towards their peers. Dorothy added that being a part of this community also helps build good relationships with state officials.

Larry S asked whether the Town Clerk's decisions are political or procedural. Bob responded that it's more procedural. It's about knowing how to proceed in different situations. Larry S asked if Bob can affect actual policies to which Bob said he can't. Larry S also asked Bill K if Bob is effective in his Town Clerk capacity. Bill K said that Bob is very knowledgeable and he has no questions about Bob being capable within his position.

Tracey asked if there are job requirements for the appointment. Mary Beth said that the key elements are that the person is professional, administers oaths of town office, and records and runs elections in accordance with rules. She also added the example of Westwood where Dorothy's tenure has really helped her improve running these processes since her own reelection is not a distraction. Mary Beth concluded that from the HR perspective, it is better to have someone in this position longer.

Patrick asked why not appoint and how long an appointment is. An appointment is three years. Dorothy said that there is such a learning curve in this position that one is still learning and starting to use what they learn three years into the position. Bill K added that appointed would actually cost town more. One of the audience members asked if Bob can take leave. Bob said he can while Bill K added that Bob is not covered by Personnel By-Law.

There were clarifications made: hired and appointed mean the same thing. Tracey asked what the difference for town is between a tenured and elected clerk. Bob said that a tenured clerk offers more stability to town. Bill K further clarified that once Bob steps down, the position becomes elected again.

Larry S asked how Bob's retirement benefits work. Bob said that he pays into retirement and has a right to them. Larry S asked if removal has to be due to cause or could it be over a philosophical difference. Bob said that it has to be due to cause. Tracey added that the position is more related to procedures and philosophical differences won't really make it in. Bill K agreed that this position has to be very apolitical due to its nature.

Thom asked whether Bob submits his salary request to the Town Manager or vice versa. Bob said that he and the Town Manager discuss a number which then goes through BOS, Adcom and Town Meeting. For example, he was awarded an increase previously that was budgeted for. He could not take the increase because Town did not vote for it.

Tracey asked for the Selectmen's position on the matter. The remained neutral but said that it would be helpful if the Adcom took a position on it. Lorraine said that she personally likes the idea of stability and a mini study could be done in the future to determine if appointment or tenure is better.

Tracey said that after discussion with Bob and clarification, it is up to the Adcom whether they want to take a position. She added that the fact that this position can be up for grabs by a popularity contest is disconcerting.

Patrick asked Bob how he became the acting Town Manager previously. Bob explained that he had a working relationship with the BOS and the previous manager recommended him. Bob has been involved in town government for 30 years. Tracey asked what Bob's background is. Bob said that he grew up here, worked as an attorney here and eventually got involved with all the boards.

Tracey made a motion to recommend to town to support the Bob's request for tenure as Town Clerk.

Vote of Support on Bob Cutler's Tenure: 8/1/1 Thom abstained and Sue voted against.

Larry S asked why the BOS remains neutral on this issue. Ginny said that they offered comments but could not do more to which Bill K added that the issue was brought to the BOS in a strictly informational capacity.

There was general consensus that there needs to be more awareness about this position and how it is chosen.

8:25PM Adcom Meeting Minutes Review & Vote—

Minutes 4/1

Heidi motioned to accept Adcom Meeting Minutes from 4/1/15 and Monica seconded.

Vote: 10/0/0

Minutes 3/25

Heidi suggested changes to the minutes.

Cal motioned to accept Adcom Meeting Minutes from 3/25/15 with amendments and John seconded.

Vote: 9/0/1 Patrick abstained.

8:30 PM Adjourn—

Tracey went over write up assignments and when they need to be submitted. She said that they can hold a last minute meeting on May 11th at 7:00PM if needed.

Monica motioned to adjourn the meeting and Cal seconded.

Vote: 10/0/0

Minutes approved by Vote of the Advisory Committee.

Date of Meeting: June 24, 2015

Vote: 10-0-0

Tracey Vasile

Signature of Chairperson